

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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NEW YORK MARINE AND GENERAL
INSURANCE COMPANY,

Plaintiff,

19 **CIVIL** 1728 (ALC)

-against-

JUDGMENT

TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA,

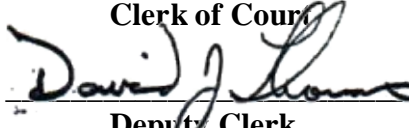
Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated September 9, 2020, D'Onofrio did not provide sufficient or timely notice of the incident or the lawsuit to Travelers. This unexcused delay and deficiency excuses Travelers' obligation under the Travelers Policy. *See Same Day Delivery Serv., Inc.*, 151 F. Supp. 3d at 385 ("New York courts have, on numerous occasions, ruled that an insured's inexcusable delay in providing notice of a claim excuses the insurer's obligation to provide coverage."). Accordingly, NY Marine's motion for summary judgment is **DENIED** and Travelers' motion for summary judgment is **GRANTED**, and this case is closed.

Dated: New York, New York
September 9, 2020

RUBY J. KRAJICK

BY: 
Clerk of Court
Deputy Clerk